

PATENT

Serial No. 10/554,230

Amendment in Reply to Final Office Action of November 4, 2008

REMARKS

This Amendment is being filed in response to the Final Office Action mailed November 4, 2008, which has been reviewed and carefully considered. Reconsideration and allowance of the present application in view of the remarks to follow are respectfully requested.

In the Final Office Action, claims 1, 6-7 and 12-20 are rejected under 35 U.S.C. §103(a) as being patentable over U.S. Patent No. 7,321,923 (Rosenberg) in view of U.S. Patent Application Publication No. 2003/0028893 (Addington). Claims 2-4 and 9-10 are rejected under 35 U.S.C. §103(a) as being patentable over Rosenberg in view of Addington and U.S. Patent No. 6,247,165 (Anderson). Claims 5 and 11 are rejected under 35 U.S.C. §103(a) as being patentable over Rosenberg in view of Addington, Anderson and U.S. Patent No. 5,777,989 (McGarvey). Claim 8 is rejected under 35 U.S.C. §103(a) as being patentable over Rosenberg in view of Addington and U.S. Patent Application Publication No. 2002/0003840 (Ueda). It is respectfully submitted that claims 1-20 are patentable over Rosenberg, Addington, Anderson, McGarvey and Ueda

for at least the following reasons.

Page 5 of the Final Office Action correctly notes that Rosenberg does not disclose or suggest discarding stored content if associated metadata indicates that the useful information of the stored content does not satisfy the predefined criteria, as recited in independent claims 1, 7 and 19. Addington is cited in an attempt to remedy the deficiencies in Rosenberg.

On pages 6-7 of the Final Office Action, it is alleged that paragraph [0034] of Addington discloses features of independent claim 1, namely:

storing an arrived content as stored content while an associated metadata associated with the arrived content is still being analyzed, or while awaiting arrival of the associated metadata, and

discarding the stored content if the associated metadata indicates that the useful information of the stored content does not satisfy the predefined criteria.

It is respectfully submitted that paragraph [0034] of Addington merely discloses to package a segment from a spool 210e (where the segment is being cached) and send the segment to personal video exchange server 210c. Paragraph [0034] further discloses that the oldest content is removed (as new content is

received) if storage space on the live spool 210e is exhausted. A stored portion may be saved in the live spool 210e for a specified period of time, and will not be deleted when new content arrives.

Such description in paragraph [0034] of Addington has nothing to do with, and does not disclose or suggest, "storing an arrived content as stored content while an associated metadata associated with the arrived content is still being analyzed, or while awaiting arrival of the associated metadata," as recited in independent claim 1, and similarly recited in independent claims 7 and 19. (Illustrative emphasis provided) Rather, paragraph [0034] merely discloses packaging a segment form a spool 210e and sending it to a personal video exchange server 210c.

Assuming, arguendo, that Addington does disclose or suggest this feature of storing content while the metatada is still being analyzed, or while awaiting metatada arrival, it is respectfully submitted that paragraph [0034] of Addington still does not disclose or suggest "discarding the stored content if the associated metadata indicates that the useful information of the stored content does not satisfy the predefined criteria," as

recited in independent claim 1, and similarly recited in independent claims 7 and 19. (Illustrative emphasis provided) Rather, paragraph [0034] merely discloses to delete oldest content, and save a content portion for a specified period of time.

Page 3, first full paragraph, last sentence, of the Final Office Action, in discussing paragraph [0034] of Addington, recites that "[w]hen the storage age predefined by the metadata is expired, the saved portion of the broadcasted segment will be deleted." It appears that the age of the stored data is being analogized to the 'predefined/specified criteria,' as recited in independent claims 1, 7 and 19.

Although, the age of the stored data is certainly a criteria based on which stored data is deleted in Addington, this age criteria is not the very same criteria used for searching or analyzing any content or data. The Addington age criteria for deleting content has nothing to do with the search criteria used to search for a desired content.

In stark contrast, the present invention as recited in independent claim 1, and similarly recited in independent claims 7

and 19, amongst other patentable elements recites (illustrative emphasis provided) :

A method for automatically searching at least one information source accessible through a data network for contents that are supplied by this information source and satisfy at least one predefined criterion,... the method comprising the acts of:

selecting an information source,
receiving at least a part of the content supplied by the information source selected, which part contains the metadata,

analyzing the metadata in respect of the predefined criteria and,

if the criteria are satisfied, processing the useful information received,...

discarding the stored content if the associated metadata indicates that the useful information of the stored content does not satisfy the predefined criteria.

Discarding the stored content if related useful information does not satisfy the VERY SAME predefined criteria used in the searching for the processing the useful information is nowhere disclosed or suggested in Rosenberg, Addington, and combination thereof. Rather, Addington merely discloses to discard data based on storage age, where this storage age has nothing to do with searching or analyzing such data. Rosenberg, Anderson, McGarvey and Ueda are cited to allegedly show other features and do not

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remedy the deficiencies in Addington.

Accordingly, it is respectfully submitted that independent claims 1, 7 and 19 are allowable, and allowance thereof is respectfully requested. In addition, it is respectfully submitted that claims 2-6, 8-18 and 20 should also be allowed at least based on their dependence from independent claims 1, 7 and 19, as well as their individually patentable elements.

In addition, Applicant denies any statement, position or averment of the Examiner that is not specifically addressed by the foregoing argument and response. Any rejections and/or points of argument not addressed would appear to be moot in view of the presented remarks. However, the Applicant reserves the right to submit further arguments in support of the above stated position, should that become necessary. No arguments are waived and none of the Examiner's statements are conceded.

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In view of the above, it is respectfully submitted that the present application is in condition for allowance, and a Notice of Allowance is earnestly solicited.

Respectfully submitted,

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